

Docket No.: MELC-10122
Application No.: 10/695,377
Amendment Date: June 7, 2006
Reply of Office Action of: February 7, 2006

AMENDMENTS TO THE DRAWINGS

Please replace Figures 2A, 2B, 3A, 3B, 4A, 5, 7, and 8 with amended drawings submitted herewith under separate letter to the draftsperson. The Figures are replaced by replacement Figures of the same number, each on its own respective sheet 3, 4, 5, 6, 7, 13, 15, and 16 of the 16 sheets total.

The double headed arrows added to Figure 8 in the response filed November 14, 2005 were objected to by the Examiner. By a further review of the original disclosure, page 23, lines 25-27 and the rest of the paragraph make clear that signals may be sent and received from the various electrical components. Thus, double headed arrows would most likely be appropriate. On the other hand, the arrows are more explicit than that which was originally shown. At the same time, the specification makes sufficiently clear that signals may be sent and received from the ECU to the various electrical components including the motors 51 via the speed controllers 260. Thus, a showing of directions by arrowheads does not seem to be required. In a conversation with the Examiner's supervisor, Applicant's representative confirmed that the better illustration would be with the connecting lines of the block diagram without arrow heads, as originally filed. Therefore, the drawing amendments are being resubmitted with all of the changes of the November 14, 2005 amendment to the drawings except for the double heads on the connecting lines, which have been omitted in this submission. Applicant respectfully requests entry of the drawing amendment on the basis that the specification makes clear that the signals may travel in both directions for the various electrical components and an explicit showing by arrow heads is not deemed necessary.

The Examiner did not object to the rest of the drawing changes submitted November 14, 2005. Therefore, the drawings are considered to be in condition for allowance.

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REMARKS

Claims 1-21 are currently pending in the application. Applicant has canceled claim 23 and amended claim 21. Applicants request reconsideration of the application in light of the following remarks.

Request to Admit the Amendment

Applicant believes that the foregoing amendment [complies with the Examiner's requirement of form and further believes that this amendment] presents the rejected claims in better form for appeal. Pursuant to 37 C.F.R. § 1.116(a), Applicant requests the Examiner admit the amendment. However, even if the Examiner decides not to admit the amendment under 37 C.F.R. § 1.116(a), Applicant respectfully requests the Examiner admit the amendment pursuant to 37 C.F.R. § 1.116(b). The foregoing amendment is necessary to sufficiently define the invention described in claim 21, and provides the necessary enablement and clarity that meet the Examiner's requirements under the rejections under 35 U.S.C. § 112. The amendment was not previously presented since Applicant believed that he had sufficient enablement in light of the known term "feed forward" and the details describing how feed forward applies to the present invention. While Applicant does not agree with the Examiner's holding that "feed forward" is not enabled, this feature has been deleted from the claims to advance prosecution and place the case in condition for allowance. Upon these good and sufficient reasons for why the amendment is necessary and was not earlier presented, Applicant requests the Examiner admit the amendment pursuant to either 37 C.F.R. § 1.116(a) or 37 C.F.R. § 1.116(b).

Telephone Interview

Applicant's agent wishes to thank the Examiner's supervisor for his courtesy and time during a telephone interview that was held on June 7, 2006. The supervisor's comments and insight were

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very helpful in preparing this response. It is hoped that the comments below reflect the spirit of the interview.

Objection to the Drawings

The drawings have been objected to under 37 CFR 1.83(a) for failing to show all the claimed details. The drawing correction filed November 14, 2006 was not approved and entered because the Examiner held that placement of arrows on both ends of all the connecting lines would result in entry of new matter. This appears to be the only remaining objection to the drawings.

In a conversation with the Examiner's supervisor on a day that the Examiner was not in the Office, Applicant's representative discussed how placement of arrows in only one direction for the elements referred to by the Examiner would be unduly limiting since the original disclosure of page 23, lines 25-27 and the rest of the paragraph make clear that the signals may be sent and received by the ECU. Furthermore, placing arrows on only some of the connecting lines and not on others would not seem accurately communicate how the system of the present invention operates. Both the supervisor and Applicant's representative came to the conclusion that returning to the original illustration style without arrow heads would be the best approach. The supervisor suggested including a statement that the sending and receiving of signals by the ECU is readily apparent in the disclosure such that more explicit illustration would not be necessary. Applicant's representative requests the Examiner's concurring approval.

With the arrow heads removed, no new matter will be entered. Applicant believes that every feature of the invention specified in the claims is now shown in the drawings and respectfully request that the Examiner withdraw the objection to the drawings.

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Objections to Claims

The Examiner has objected to claims 21 and 23 for not being enabled and claim 23 for additionally not being clear. Applicant has canceled claim 23 and amended claim 21 to remove the term “feed forward”. This amendment seemed reasonable to the Examiner’s supervisor. Furthermore, it appears that no prior art rejection was available even without the limitation of “feed forward” since claim 21 recites “automatically and independently raising and lowering a plurality of arms of the vehicle suspension to accommodate variations in the contour by a mechanical mechanism”, “providing feedback via the mechanical mechanism to an actuator”, “raising and lowering the arms by the actuator according to the feedback”, and “wherein the mechanical mechanism comprises a position indicating cam fixedly supported relative to at least one of the arms”. This amendment raises no new issues since it only addresses the objection that the Examiner raised. Applicant therefore respectfully request that the objections to claims 21 and 23 be withdrawn, and that this case be allowed.

Indication of Condition for Allowance

Applicant wishes to thank the Examiner for the indication of condition for allowance for the above referenced application but for the few formal matters. Applicants believe that all formal matters have been resolved, that the application is in condition for allowance, and respectfully request the same.

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Rejections under 35 U.S.C. §112

Claims 21 and 23 stand rejected by the Examiner under 35 U.S.C. 112. In accordance with this rejection, the claims have been amended to comply with the Examiner's implied suggestions and are now believed to conform with Section 112. Applicant respectfully requests that the rejection of claims 21 and 23 under 35 U.S.C. § 112 be withdrawn.

Confirmation of Allowed Claims

Applicants wish to thank the Examiner for his confirmation of the patentable subject matter of claims 1-21.

Regarding Doctrine of Equivalents

Applicants hereby declare that any amendments herein that are not specifically made for the purpose of patentability are made for other purposes, such as clarification, and that no such changes shall be construed as limiting the scope of the claims or the application of the Doctrine of Equivalents.

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CONCLUSION

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

It is requested that a one-month extension of time be granted for the filing of this response, and the appropriate extension filing fee of \$60 is enclosed herewith.

The amendments herein added no new independent and no new dependent claims, resulting in no additional fees due.

If any fees, including extension of time fees or additional claims fees, are due as a result of this response, please charge Deposit Account No. 19-0513. This authorization is intended to act as a constructive petition for an extension of time, should an extension of time be needed as a result of this response. The examiner is invited to telephone the undersigned if this would in any way advance the prosecution of this case.

Respectfully submitted,

Date: June 7, 2006

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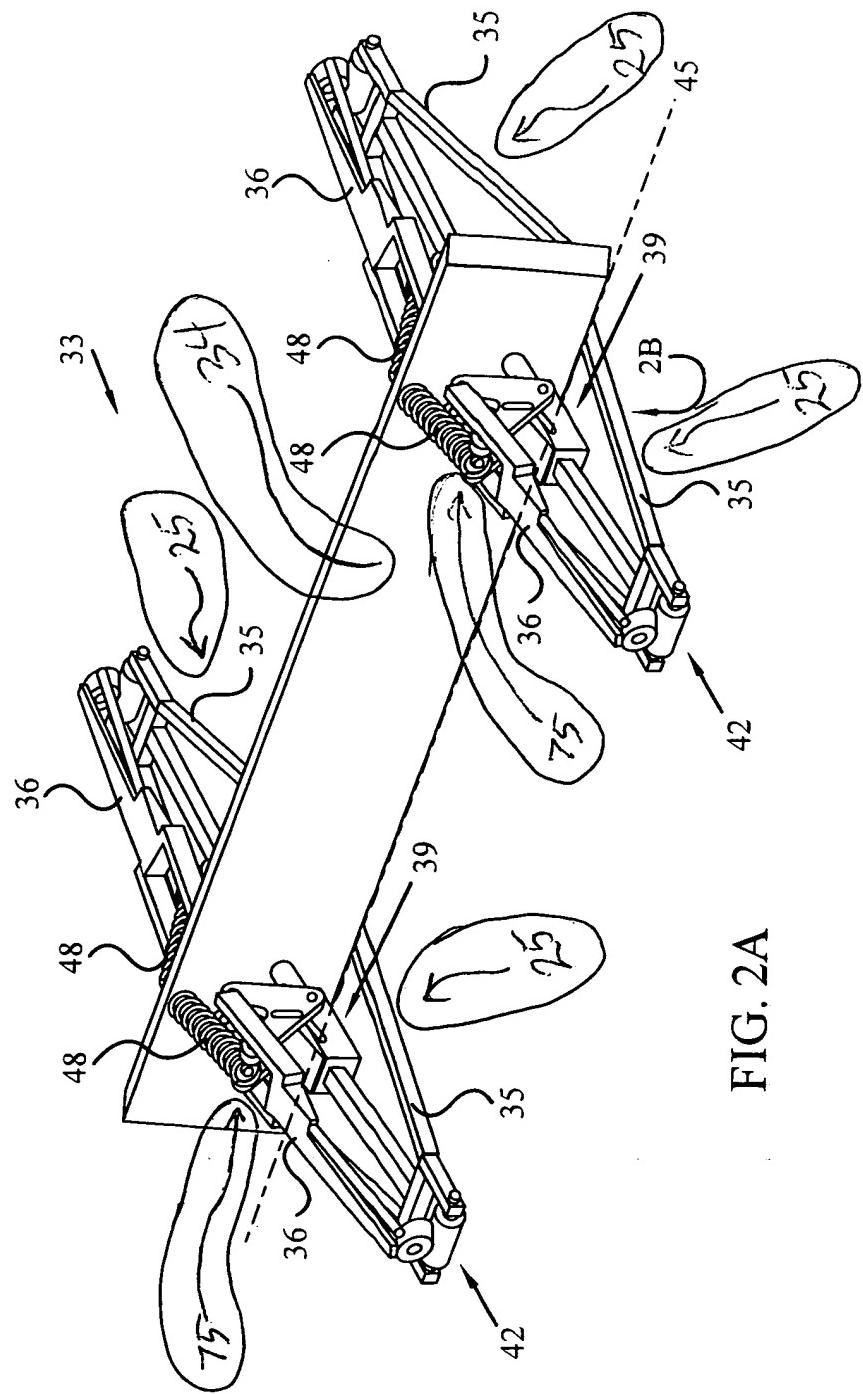


FIG. 2A

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Annotated Marked-up Drawings

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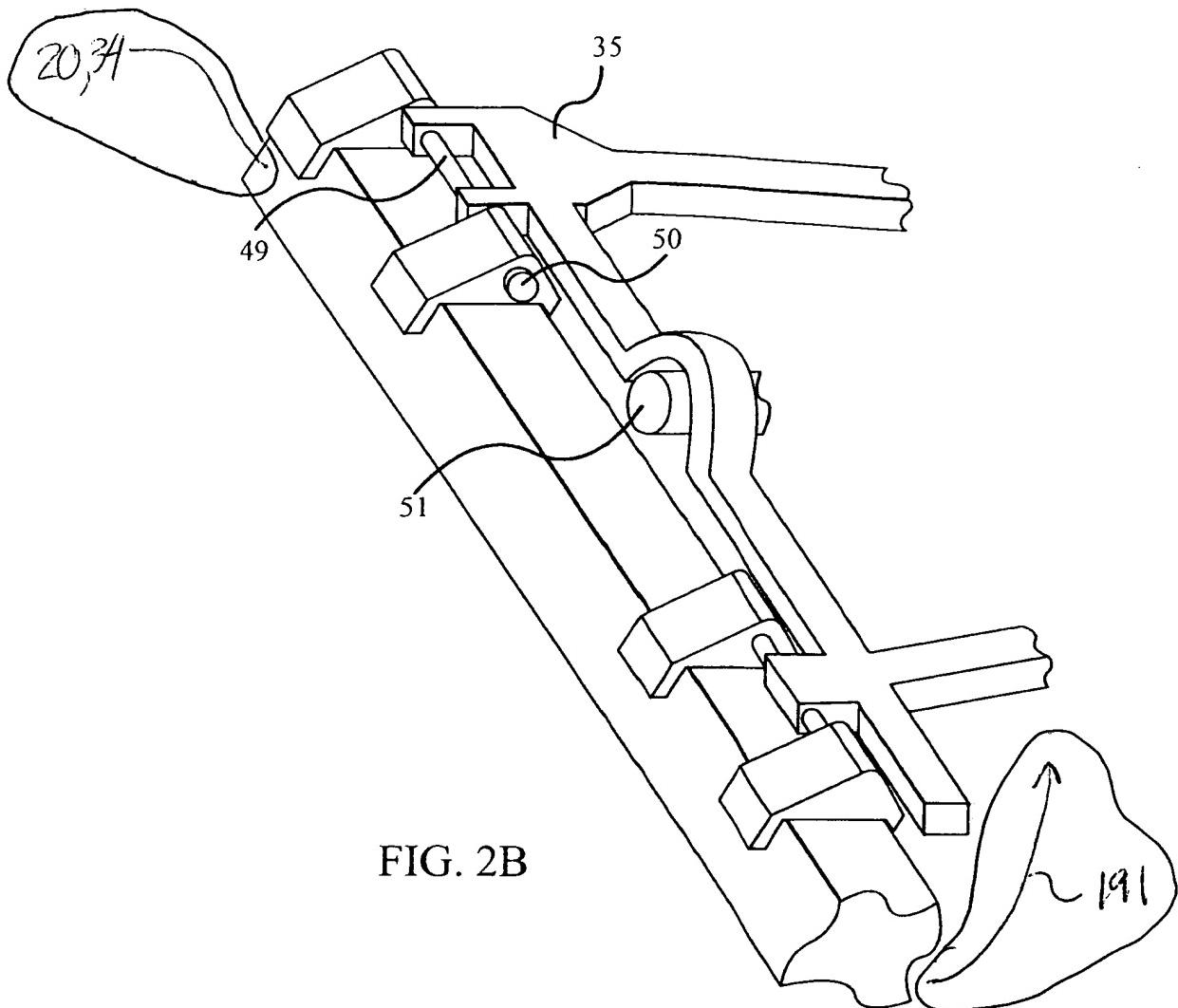


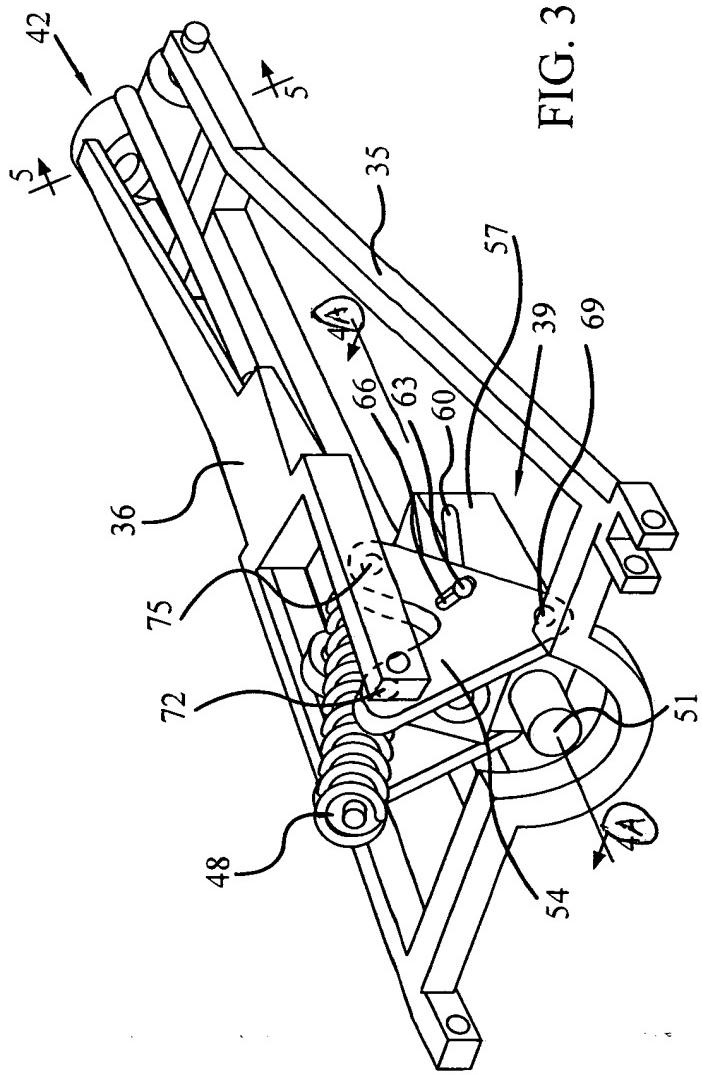
FIG. 2B

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FIG. 3A

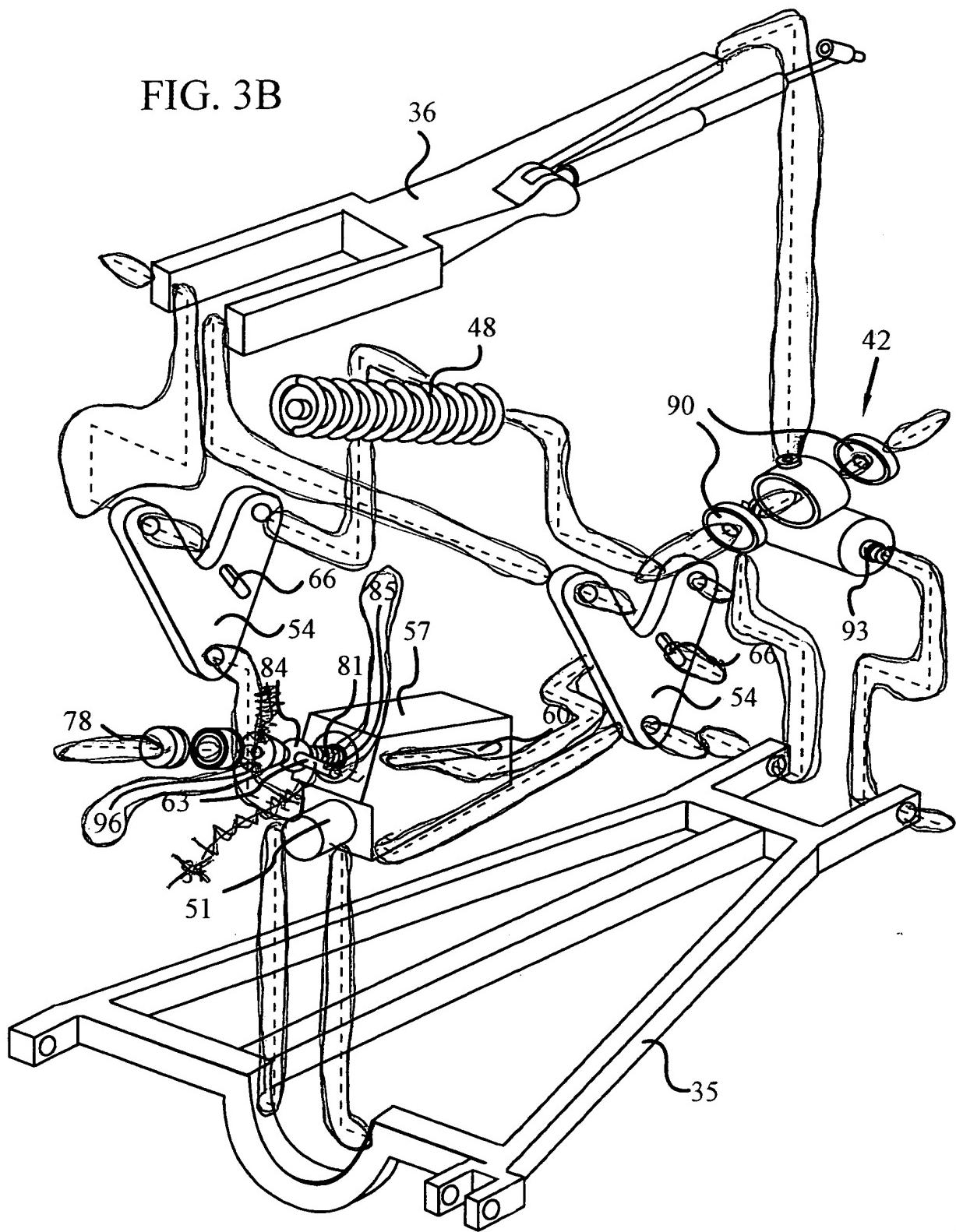


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FIG. 3B



Annotated Marked-up Drawings

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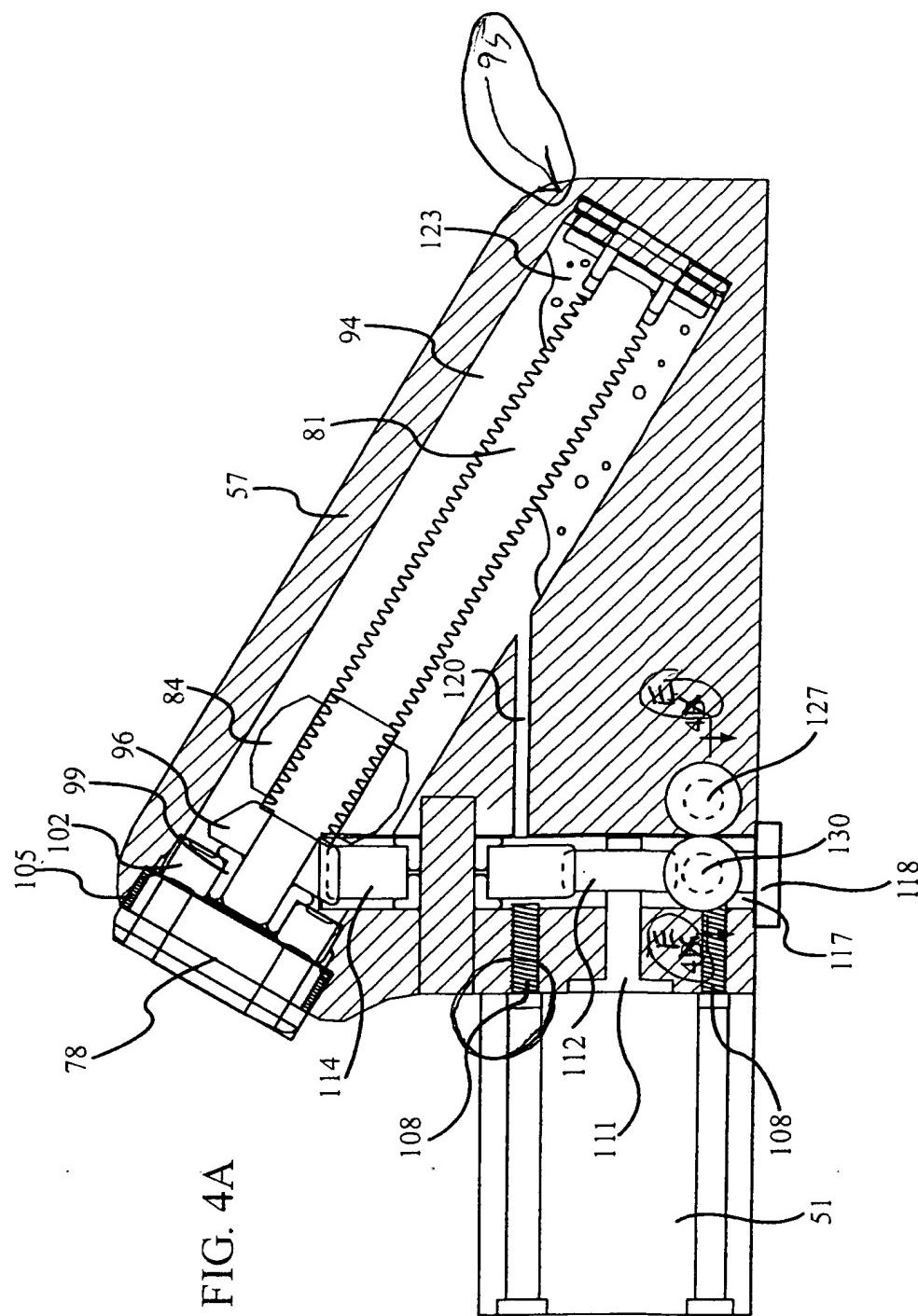
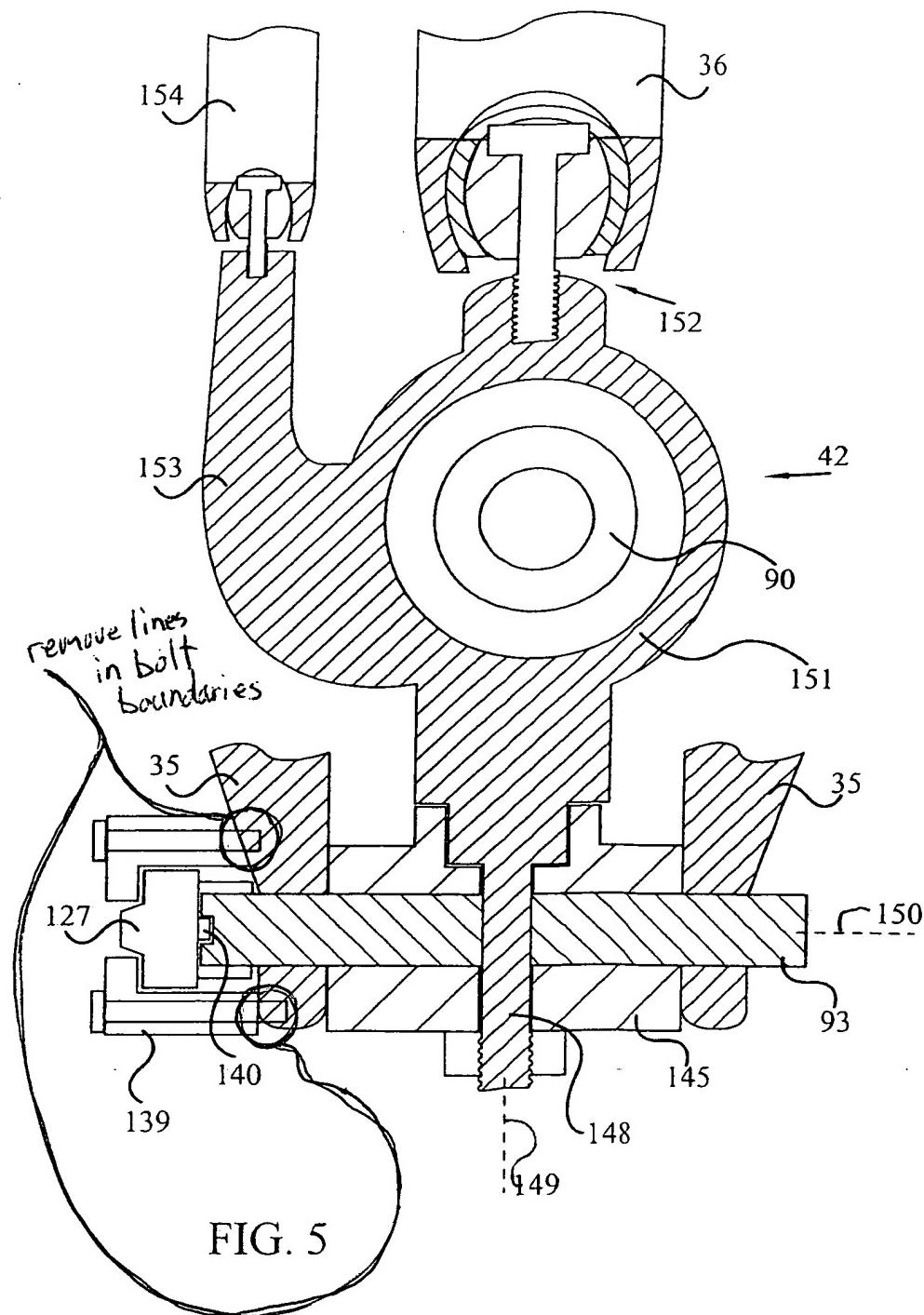


FIG. 4A

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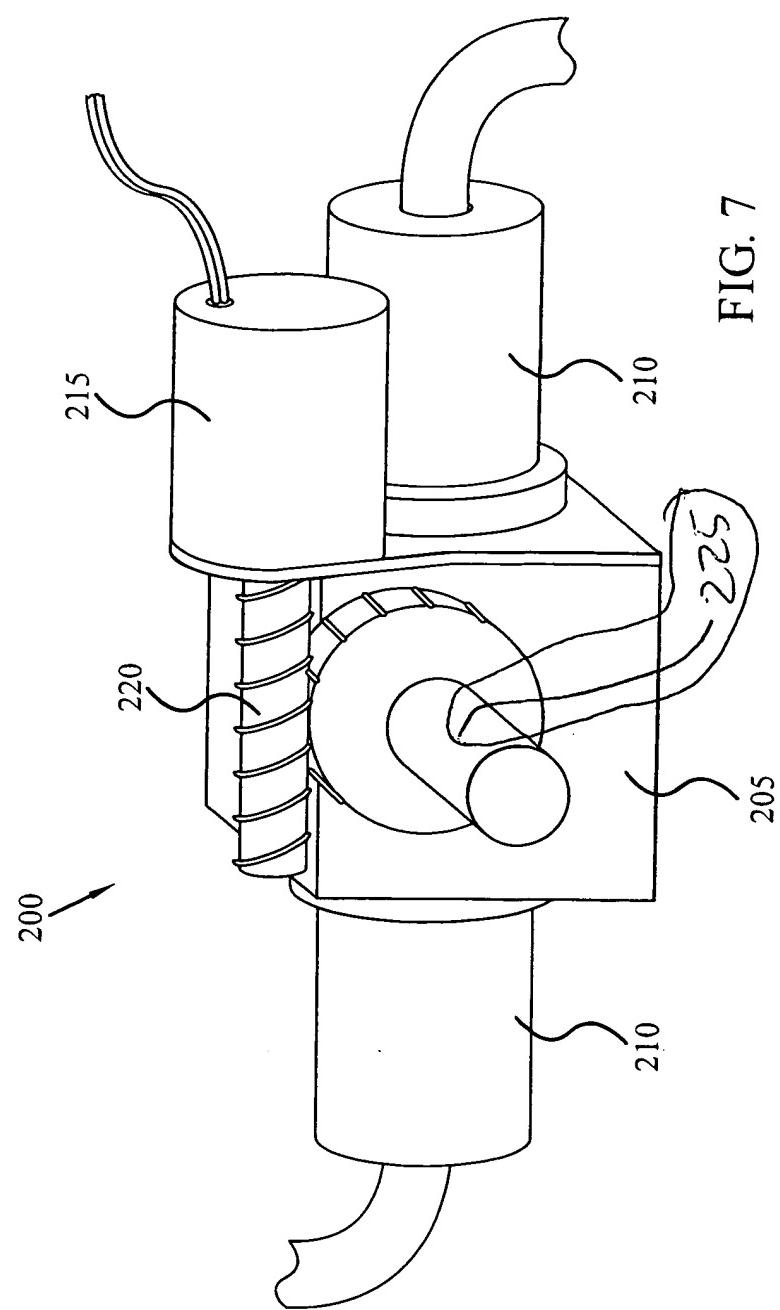
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ANNOTATED MARKEDUP DRAWINGS

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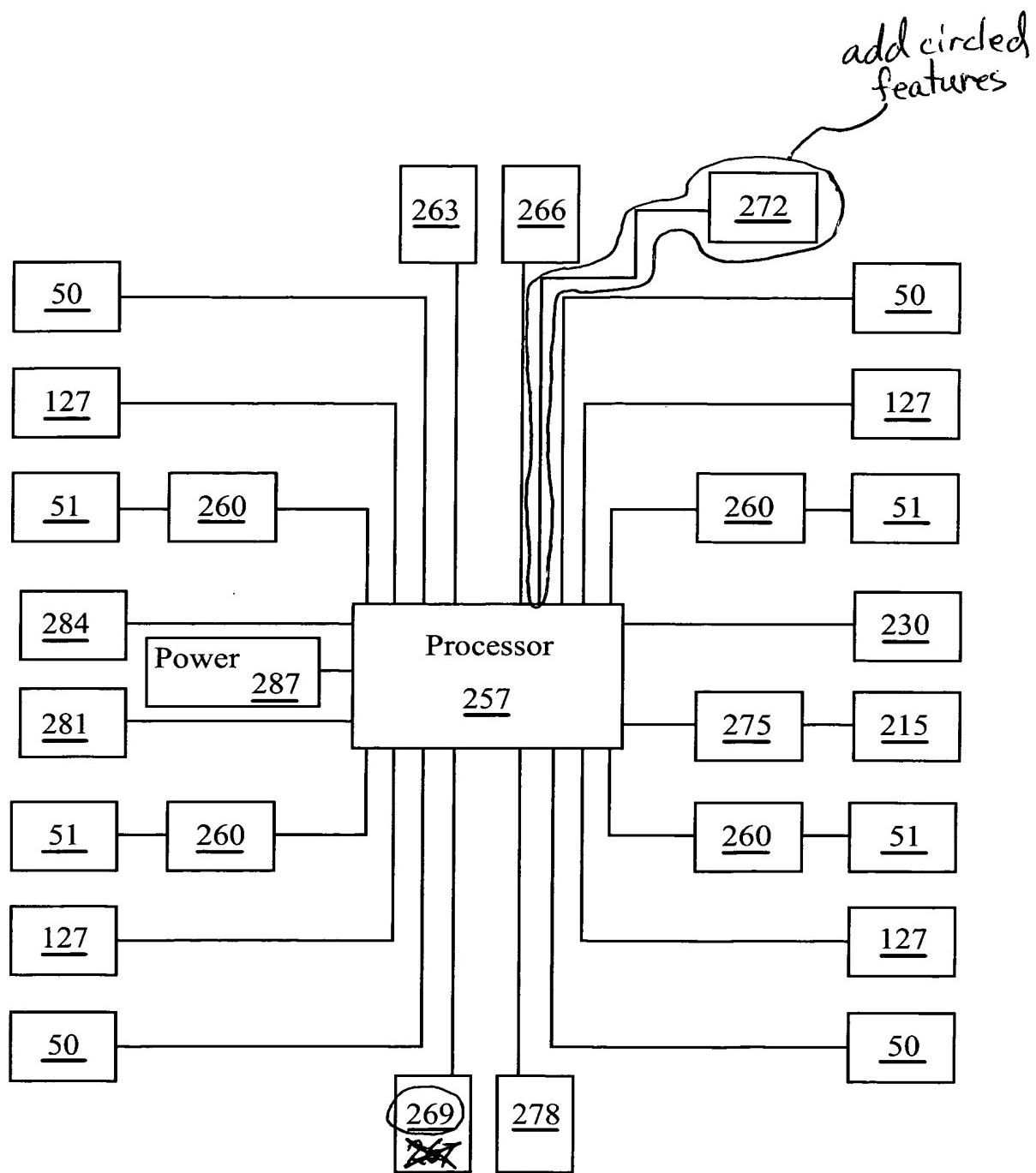


FIG. 8

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